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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/438,431	11/12/1999	PHILIPPE CHARAS	040010-491	9310
27045	7590	02/09/2005	EXAMINER	
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR C11 PLANO, TX 75024			SALAD, ABDULLAHI ELMI	
			ART UNIT	PAPER NUMBER
			2157	

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/438,431

Applicant(s)

CHARAS ET AL.

Examiner

Salad E Abdullahi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2,3,5,6 and 9-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,3,5,6 and 9-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Response Amendment***

1. The amendment filed on 9/15/2004 has been received and made of record.
2. Applicant's arguments filled on 9/15/2004 with respect claims 2-3, 5-6, and 9-20 have been fully considered but they are moot in view of new ground of rejection.
3. The office action dated 6/15/2004 examiner has objected dependent claims 5-6 and 11-14 as being dependent to rejected base claim and indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In subsequent response dated 9/15/2004 applicant amended claims 5, 11 and 15 and included the indicated allowable subject matter. However, upon further consideration of the claims, a new ground(s) of rejection is made. Examiner apologizes for any burden bears to the applicant.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any

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inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 2-3, 5-6, 9-10 and 11- 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gossett Dalton, Jr. et al., U.S. Paten No 6,426,955 [hereinafter Dalton] in view of Belanger et al., U.S. Patent No. 5,875,186 [hereinafter Belanger].

As per claim 5, Dalton discloses a method of selectively accessing an Internet Protocol (IP) network utilizing an end device that capable of communicating with one or network-terminating device, each said network terminating device being coupled to an associated access network that is further coupled to the IP network, the method comprising the steps of:

- determining whether an end device has access to said IP network (see col. 4, lines 43-60, col. 5, lines 3-43 and col. 4, lines 43-60);
- confirming the availability of said one or more access network terminating devices, determining the access capability of each of said one or more access network terminating devices, said access capability comprising one or more predetermined factors (see col. 5, lines 3-43 and col. 12, lines 11-20);

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- comparing the determined access capability for each of said one or more access network terminating devices with a preferred access capability being associated with said end device (see col. 18, lines 39 to col. 19, line 10 and 17, line 61 to col. 64); and
- selecting at least one of said one or more access network terminating devices to provide an optimum connection to said network, wherein the access capability of said selected network terminating device is ranked highest according to said predetermined factors (see col. 11, lines 39-60 and col. 5, lines 3-43).

Dalton is silent regarding:

- the end device selecting at least one or more network-terminating device; and
- subsequent to connecting to said at least one of said one or more access network-terminating device, polling an indirect interface (i.e., short radio) to detect if one or more new access network terminating devices are available to said end device ;
- determining an access capability for each of the detected one or more new access network terminating devices;
- comparing said access capability for each of the one or more detected new access network terminating devices with said preferred access capability of said end device to determine whether said detected new access network terminating devices can improve the current connection of said end device to said network.

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Belanger in analogous art discloses a communication network, where the end device selects one or more network terminating devices based on the end device preference the end device selecting at least one or more network-terminating device (see the abstract and col. 24, line 43-59); and subsequent to connecting to said at least one of said one or more access network-terminating device, polling (i.e., scanning) said indirect interface to detect if one or more new access network terminating devices are available to said end device (see the abstract and col. 26, lines 3-19); determining an access capability for each of the one or more new access network terminating devices if detected (i.e., determining quality of service or range of service) (see the abstract and col. 26, lines 3-19); comparing said access capability (range of service) for each of the one or more detected new access network terminating devices with said preferred access capability of said end device to determine whether said detected new access network terminating devices can improve the current connection (i.e., can improve quality of service) of said end device to said network(see the abstract and col. 26, lines 3-19). Therefore, it would have been obvious to one having ordinary skill in the art at time of the invention to incorporate the teaching of Belanger such as enabling the end device to continuously select one or more new network terminating device into the system of Dalton in order to enable end devices to select a network terminating device with the best quality of service.

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In considering claim 2, Dalton discloses the method of claim 5, further comprising the step of configuring said end device according to the access capability of the selected at least one of said one or more access network terminating devices (see col. 11, lines 39-60 and see col. 5, lines 3-43).

In considering claim 3, Dalton disclose the method of claim 5, wherein said predetermined factors of said one or more access network terminating devices comprise cost of access, coverage area, bandwidth delay, priority level and Quality of Service (QoS)(see col. 11, lines 39-60 and see col. 5, lines 3-43).

As per claim 6, Belanger discloses the method of claim 5, further comprising the steps of: selecting one of the one or more new access network terminating device based on the comparison (see col. 26, lines 3-19); and Configuring said end device according to the access capability of the selected one or more new access network terminating device (see col. 26, lines 3-19).

As per claim 11, Dalton disclose a system for providing selective access an Internet Protocol (IP) comprising:

- an interface coupled to an end device for connecting said end device to at least one access network terminating device(see col. 4, lines 43-60, col. 5, lines 3-43 and col. 4, lines 43-60);

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- an access network connected to said at least one access network terminating device each said network terminating device being coupled to an associated access network that is further coupled to the IP network, determining whether an end device has access to said IP network (see col. 4, lines 43-60, col. 5, lines 3-43 and col. 4, lines 43-60);
- detecting said at least one access network terminating device(see col. 4, lines 43-60);
- confirming the availability of said one or more access network terminating devices, determining the access capability of each of said one or more access network terminating devices, said access capability comprising one or more predetermined factors (see col. 5, lines 3-43 and col. 12, lines 11-20);
- comparing the determined access capability for each of said one or more access network terminating devices with a preferred access capability being associated with said end device (see col. 18, lines 39 to col. 19, line 10 and 17, line 61 to col. 64); and
- selecting at least one of said one or more access network terminating devices to provide an optimum connection to said network, wherein the access capability of said selected network terminating device is ranked highest according to said predetermined factors (see col. 11, lines 39-60 and col. 5, lines 3-43).

Dalton is silent regarding:



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- the end device coupled with an indirect interface for selecting at least one or more network-terminating device; and
- subsequent to connecting to said at least one of said one or more access network-terminating device, polling an indirect interface to detect if one or more new access network terminating devices are available to said end device ;
- determining an access capability for each of the detected one or more new access network terminating devices;
- comparing said access capability for each of the one or more detected new access network terminating devices with said preferred access capability of said end device to determine whether said detected new access network terminating devices can improve the current connection of said end device to said network.

Belanger in analogous art discloses a communication network, where the end device coupled with an indirect interface (i.e., short radio) selects one or more network terminating devices based on the end device preference the end device selecting at least one or more network-terminating device (see the abstract and col. 24, line 43-59); and

subsequent to connecting to said at least one of said one or more access network-terminating device, polling (i.e., scanning) said indirect interface to detect if one or more new access network terminating devices are available to said end device (see the abstract and col. 26, lines 3-19);

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determining an access capability for each of the one or more new access network terminating devices if detected (i.e., determining quality of service or range of service) (see the abstract and col. 26, lines 3-19); comparing said access capability (range of service) for each of the one or more detected new access network terminating devices with said preferred access capability of said end device to determine whether said detected new access network terminating devices can improve the current connection (i.e., can improve quality of service) of said end device to said network (see the abstract and col. 26, lines 3-19). Therefore, it would have been obvious to one having ordinary skill in the art at time of the invention to incorporate the teaching of Belanger such as enabling the end device to continuously select one or more new network terminating device into the system of Dalton in order to enable end devices to select a network terminating device with the best quality of service.

In considering claim 9, Dalton discloses the system of claim 11, wherein said predetermined factors of said one or more access network terminating devices comprise cost of access, coverage area, bandwidth delay, priority level and Quality of Service (QoS) (see col. 11, lines 39-60 and see col. 5, lines 3-43).

In considering claim 10, Dalton disclose the system of claim 11, wherein said preferred predetermined factors of said one or more access network terminating devices comprise cost of access, coverage area, bandwidth delay, priority level and Quality of Service (QoS) (see col. 11, lines 39-60 and see col. 5, lines 3-43).

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As per claim 12, Belanger discloses the method of claim 11, further comprising the steps of: configuring said end device according to the access capability of the selected one or more new access network terminating device (see col. 26, lines 3-19).

In considering claim 13, Dalton disclose the end device of claim 12, wherein said end device can communicate simultaneously over variety of interfaces that obviously may include a cellular interface (see fig. 1).

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable Dalton and Belanger as applied to claim 13.

As per claim 114, although Dalton discloses substantial features of the claimed invention as discussed above with respect to claim 12.

Dalton is silent regarding:

utilizing an indirect interface such as Bluetooth interface and is associated with said access network terminating device..

Nonetheless, the utilization Blue tooth protocols would have been an obvious modification to Gossett Dalton, Jr. et al., system. Furthermore, Gossett Dalton, Jr. et al., discloses the end user system may be coupled to the terminating device utilizing variety of protocols obviously including Blue tooth. In addition, a variety of conventional radio links may be utilized the link between the end user and the terminating device. One particularly advantageous radio link is the Blue tooth radio link. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to utilize Bluetooth interface, because

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one of the advantages of using Bluetooth wireless communication is that it possesses a built-in security which is advantageous in voice applications as may be used in the end user systems.

As per claim 15, Dalton discloses a device for connecting to an Internet Protocol (IP) network, comprising:

- means for storing access capability for said end device (see col. 4, lines 43-60, col. 5, lines 3-43);
- means for communicating with one or more access network terminating devices each said access network-terminating device being coupled to an associated access network device and each said access network being communicably coupled with said IP network (see col. 4, lines 43-60, col. 5, lines 3-43 and col. 4, lines 43-60);  
means for comparing said stored access capability of each of said one or more access network terminating devices, said access capability comprising one or more predetermined factors (see col. 5, lines 3-43 and col. 12, lines 11-20);
- means for selecting at least one of said one or more access network terminating devices to provide an optimum connection to said network, wherein the access capability of said selected network terminating device is ranked highest according to said predetermined factors (see col. 11, lines 39-60 and col. 5, lines 3-43).

Dalton is silent regarding:

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- the end device coupled with an indirect interface for selecting at least one or more network-terminating device; and
- subsequent to connecting to said at least one of said one or more access network-terminating device, polling an indirect interface to detect if one or more new access network terminating devices are available to said end device ;
- determining an access capability for each of the detected one or more new access network terminating devices;
- comparing said access capability for each of the one or more detected new access network terminating devices with said preferred access capability of said end device to determine whether said detected new access network terminating devices can improve the current connection of said end device to said network.

Belanger in analogous art discloses a communication network, where the end device coupled with an indirect interface (i.e., short radio) selects one or more network terminating devices based on the end device preference the end device selecting at least one or more network-terminating device (see the abstract and col. 24, line 43-59); and

subsequent to connecting to said at least one of said one or more access network-terminating device, polling (i.e., scanning) said indirect interface to detect if one or more new access network terminating devices are available to said end device (see the abstract and col. 26, lines 3-19);

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determining an access capability for each of the one or more new access network terminating devices if detected (i.e., determining quality of service or range of service) (see the abstract and col. 26, lines 3-19); comparing said access capability (range of service) for each of the one or more detected new access network terminating devices with said preferred access capability of said end device to determine whether said detected new access network terminating devices can improve the current connection (i.e., can improve quality of service) of said end device to said network (see the abstract and col. 26, lines 3-19). Therefore, it would have been obvious to one having ordinary skill in the art at time of the invention to incorporate the teaching of Belanger such as enabling the end device to continuously select one or more new network terminating device into the system of Dalton in order to enable end devices to select a network terminating device with the best quality of service.

8. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable Dalton as applied to claim 15.

As per claim 16, although Dalton discloses substantial features of the claimed invention as discussed above with respect to claim 15.

Dalton is silent regarding:

utilizing an indirect interface such as Bluetooth interface and is associated with said access network terminating device..

Nonetheless, the utilization Blue tooth protocols would have been an obvious modification to Gossett Dalton, Jr. et al., system. Furthermore, Gossett Dalton,

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Jr. et al., discloses the end user system may be coupled to the terminating device utilizing variety of protocols obviously including Blue tooth. In addition, a variety of conventional radio links may be utilized the link between the end user and the terminating device. One particularly advantageous radio link is the Blue tooth radio link. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to utilize Bluetooth interface, because one of the advantages of using Bluetooth wireless communication is that it possesses a built-in security which is advantageous in voice applications as may used utilized the end user systems.

In considering claim 17, Dalton discloses the end device of claim 15, wherein said access network terminating devices provide a communication link with the Internet (see fig. 1, element 102).

In considering claim 18, Dalton discloses the end device of claim 15, further comprising means for communicating over a direct interface (see fig. 1, element 105).

In considering claim 19, Dalton disclose the end device of claim 18, wherein said end device can communicate simultaneously over variety of interfaces that obviously may include a cellular interface (see fig. 1).

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In considering claim 20, Dalton disclose the end device of claim 18, wherein said end device can communicate simultaneously over variety of interfaces that obviously may include a cellular interface (see fig. 1).

### CONCLUSION

9. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Salad E Abdullahi whose telephone number is 703-308-8441. The examiner can normally be reached on 8:30 - 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Abdulahi Salad  
Examiner Au 2157  
2/5/2005